



03-03-06

PTO/SB/21 (09-04)

APR  
JFL**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

65

Application Number

09/997,311

Filing Date

November 27, 2001

First Named Inventor

Shay, James R. et al.

Art Unit

2161

Examiner Name

Patrick J. D. Santos

Attorney Docket Number

21737-001410

**ENCLOSURES (Check all that apply)**

- ☒ Fee Transmittal Form (1 page in duplicate)  
☐ Fee Attached  
☐ Amendment/Reply  
☐ After Final  
☐ Affidavits/declaration(s)  
☒ Extension of Time Request (1 page in duplicate)  
☐ Express Abandonment Request  
☐ Information Disclosure Statement  
  
☐ Certified Copy of Priority Document(s)  
☐ Reply to Missing Parts/ Incomplete Application  
☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)  
☐ Licensing-related Papers  
☐ Petition  
☐ Petition to Convert to a Provisional Application  
☐ Power of Attorney, Revocation  
Change of Correspondence Address  
☐ Terminal Disclaimer  
  
☐ Request for Refund  
☐ CD, Number of CD(s) \_\_\_\_\_  
☐ Landscape Table on CD

- ☐ After Allowance Communication to TC  
☐ Appeal Communication to Board of Appeals and Interferences  
☒ Appeal Communication to TC (Appellant's Brief - 20 pages in triplicate)  
☐ Proprietary Information  
☐ Status Letter  
☒ Other Enclosure(s) (please identify below):  
Return Postcard

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

William J. Daley

Date

March 1, 2006

Reg. No.

52,471

**CERTIFICATE OF TRANSMISSION/MAILING**

Express Mail Label: EV 326936622 US

I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on this date March 1, 2006 and is addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Sara B. McPeak

Date

March 1, 2006



Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 250**Complete if Known**

|                      |                       |
|----------------------|-----------------------|
| Application Number   | 09/997,311            |
| Filing Date          | November 27, 2001     |
| First Named Inventor | Shay, James R. et al. |
| Examiner Name        | Patrick J. D. Santos  |
| Art Unit             | 2161                  |
| Attorney Docket No.  | 21737-001410          |

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES  |              | SEARCH FEES  |              | EXAMINATION FEES |              | Fees Paid (\$) |
|------------------|--------------|--------------|--------------|--------------|------------------|--------------|----------------|
|                  | Small Entity | Small Entity | Small Entity | Small Entity | Small Entity     | Small Entity |                |
|                  | Fee (\$)     | Fee (\$)     | Fee (\$)     | Fee (\$)     | Fee (\$)         | Fee (\$)     |                |
| Utility          | 300          | 150          | 500          | 250          | 200              | 100          |                |
| Design           | 200          | 100          | 100          | 50           | 130              | 65           |                |
| Plant            | 200          | 100          | 300          | 150          | 160              | 80           |                |
| Reissue          | 300          | 150          | 500          | 250          | 600              | 300          |                |
| Provisional      | 200          | 100          | 0            | 0            | 0                | 0            |                |

**2. EXCESS CLAIM FEES**

| Fee Description                                    | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)            | 50       | 25                    |
| Each independent claim over 3 (including Reissues) | 200      | 100                   |
| Multiple dependent claims                          | 360      | 180                   |
| <b>Total Claims</b>                                |          |                       |
| <b>Extra Claims</b>                                |          |                       |
| <b>Fee (\$)</b>                                    |          |                       |
| <b>Fee Paid (\$)</b>                               |          |                       |

HP = highest number of total claims paid for, if greater than 20

|               |              |          |               |
|---------------|--------------|----------|---------------|
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
| -3 or HP =    | x            | =        |               |

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

|              |              |  |          |               |
|--------------|--------------|--|----------|---------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| - 100 =      | / 50 =       | (round up to a whole number) x                   | =        |               |

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Filing a brief in support of an appeal

250

**SUBMITTED BY**

|                   |                  |  |                        |
|-------------------|------------------|--|------------------------|
| Signature         |                  | Registration No. (Attorney/Agent) 52,471 | Telephone 303-571-4000 |
| Name (Print/Type) | William J. Daley |  | Date March 1, 2006     |